

**REMARKS/ARGUMENTS**

Favourable reconsideration of this application is respectfully requested in view of the above amendments and the following remarks.

In accordance with the Examiner's requirement claims 8 has been amended to more clearly recite the features shown in the drawings. Claim 24 have been amended so that each word has a proper antecedent basis. Claim 25 has been amended to clarify the typing error identified by the Examiner. It is respectfully submitted that the claims as amended now meet the requirements of 35 U.S.C. § 112.

The Examiner has objected to the drawings in light of claims 8, 19 and 23. Applicant has amended claim 8 to remove the specific reference to the number of upper and lower teeth. Further the Applicant has cancelled claims 19 and 23. Accordingly, it is respectfully submitted that the drawing now meet the requirements of 37 CFR 1.83 (a).

The Examiner has rejected claims 1 - 6, 20 - 22 as being anticipated by Swanningson 3,898,758; claims 1 - 4 as being anticipated by Lucas 5,349,776; claims 1, 2, 20, 22 as being anticipated by Webel 4,945,669; claims 1, 20, 22 as being anticipated by Smith 4,255,890; claims 1, 2, 20, 22 as being anticipated by Angwin 6,640,487; claims 20 - 22 as being anticipated by Luz 4,223,469; claims 20 - 22 as being anticipated by Powell 3,393,465; claims 20, 22, 23 as being anticipated by Potter 5,539,989; claims 20, 23 as being anticipated by Buckle 4,713,917; and claims 20, 21, 23 as being anticipated by Moses 2,155,169. The Examiner is requested to reconsider the rejection in view of the above amendments and the following comments.

Further the Examiner has rejected claims 6 - 18 as being unpatentable over Swanningson in view of Schnitzer 2,763,087; claims 19, 23 as being unpatentable over Swanningson in view of Smith; claims 24 -26 as being unpatentable over Swanningson;

claims 21, 23 - 26 as being unpatentable over Smith; claims 3 - 6 as being unpatentable over Angwin in view of Hopkins 2,480,580; claims 6 - 12 as being unpatentable over Angwin in view of Hopkins and Schnitzer; claims 10, 13 - 18 as being unpatentable over Angwin in view of Hopkins and Schnitzer and further in view of Swanningson; claim 19 as being unpatentable over Angwin in view of Hopkins, Schnitzer and Swanningson and further in view of Smith; claim 23 as being unpatentable over Angwin in view of Smith; claims 24 - 26 as being unpatentable over Angwin; claim 24 as being unpatentable in view of Potter; claim 24 as being unpatentable in view of Buckle; and claim 24 as being unpatentable in view of Moses. The Examiner is requested to reconsider the rejection in view of the above amendments and the following comments.

The Applicant has amended claim 1 to include the limitation of claims 2, 3 and 4. The Examiner will note that the references that were cited against claims 3 and 4 were Swanningson, Angwin, Lucas and Hopkins. Accordingly, the specific comments herein will be restricted to these references.

One of the main advantages of the Applicant's design is its tracking ability. It is submitted that the cannonball herein as claimed in amended claim 1 enables a fisher to execute tight turns while trolling in a boat at normal speed (3 to 7 knots) using downrigger fishing weights without the equipment fouling up. Specifically, when two or more downriggers (apparatus for downrigging fishing) are being used the downriggers will not foul with each other. Furthermore it is respectfully submitted that none of the prior art references cited by the Examiner are able to perform the most basic manoeuvre; the ability to turn tight corners.

The ability to go around a tight corner without having the lines fouled up would give a fisher an advantage for both recreational and competitive sports fishing. Downrigging fishing is generally conducted on the Great Lakes and oceans; the fish are generally few and far between. The cost of fuel is a primary consideration in the sport. When a

fisher is fortunate enough to locate the targeted species of fish (salmon or trout) it is most desirable to be able to work the area a number of times to increase the chances of the fish to strike at the fisher's lures; specifically to travel a criss-crossed pattern over the spot where the fish have been marked.

Heretofore designs of the existing downrigger fishing weights have forced fishers to execute wide turns; otherwise their lines would have fouled up. By the time they were able to turn their boats around and get back to the spot where they marked the fish, the fish were often gone or the boat following behind them has occupied the spot. Accordingly, it is a huge advantage to provide a downrigger that minimizes the fouling problem and allows the fishers to execute tight turns.

Firstly, it is respectfully submitted that lures and cannonballs for use in association with downriggers are materially different devices notwithstanding that they are both used for fishing. As well, they are commercially and commonly classified into two separate product categories. The lure typically has hooks attached thereto and is attached to a fishing line that is typically connected to a fishing reel. It is designed to pierce the mouth of the fish and physically hook onto to it, thereby enabling the fisher to capture it. The lure can be used by casting it out while still fishing or it can be used for trolling.

In contrast the cannonball for use in association with a downrigger is generally used as a means of lowering one's bait presentation (often a lure) to a depth where the fish are known to hebetate, usually between 50 ft and 250 ft. The cannonball is designed specifically for trolling purposes. The cannonball requires either a manual or electric motorized winch to lower and raise it in the water while attached to a steel cable. The cannonball never has any hooks attached to it and it is too heavy to be attached to any type of sports fishing tackle. The cannonball is used in conjunction with a traditional style fishing rod and reel combination to actually catch the fish and to reel it in.

Accordingly, it is respectfully submitted that it would not be obvious to someone skilled in the art to use features of a fishing lure in association with a cannonball. The purposes of each are distinct and they function very differently relative to the boat, the fishing line and the user.

In regard to Swanningson when considering the drawings and particularly figures 5 and 6 it is clear that this sinker is not generally egg shaped. Referring to the drawings, when considering the sinker from the front it is clear that there are two sets of flutes carved into the upper quadrants on each side. These flutes are essentially parallel channels running the length of the body of the model. Once this sinker is lowered into the water the channels would act as a keel keeping the sinker in a ridged trajectory while traveling in a forward direction. If a fisher attempted to negotiate a tight turn, the downrigger weight would most certainly continue on a forward path while the boat above was proceeding around the corner as if it were a flat piece of steel. The boat and the downrigger weight would continue upon their separate paths until a critical point was reached in the trajectory of the downrigger weight. Not only would the downrigger weight continue on a straight trajectory while the boat is turning, but the connecting cable would cause the top of the downrigger weight to tip in the direction of the boat; this would then cause the keel like object to function like a wing. As it veered further and further away from the boat, it would in fact start to climb. The downrigger weight would reach a point where it could travel no further in an outward direction but more importantly, it would reach a stalling point as it was ascending. This is where the problems take place for all such designs; the nose of the downrigger weight would turn a few degrees and the resulting affect would be similar to a water skier changing direction. The object would come careening back in the opposite directions at a high rate of speed and swing over to the other side of the boat on a higher and farther path that it just came from. The effect is known to fishers as the "helicopter effect". If there is more than one fishing line out at the time, it generally results in the lines and cables to become entangled. The cables are made of fine strands of stainless steel wire similar to a string. Once entangled, the fine wire brakes and the cable becomes frayed leaving a

weak point. Generally the cables then need to be untangled and replaced at once; it is costly and time consuming. It generally spells the end of the fishing trip for the day.

Accordingly, it is respectfully submitted that Swanningson is not generally egg shaped. Further it is submitted that it does not have an outer surface that is faceted with a plurality of facets, each facet being concave. Therefore it is submitted that Swanningson does not have all of the features as claimed in amended claim 1 and therefore claim 1 and all claims dependent thereon are patentable over it.

Similarly, it is respectfully submitted that Lucas is not generally egg shaped and not does it have an outer surface as described in amended claim 1. Specifically, referring to figure 4 it is clear that it is not generally egg shaped. It is not egg shaped on three planes, the x, y, z plane. Rather, it appears to be egg shaped on the two planes. And by not having it perfectly egg shaped on three planes there is no chance that the object would perform as it was designed for. In addition, it includes fluting which runs straight down the body of the object. As well, it includes eyes that protrude significantly from the body. When taken together these features would likely result in the sinker traveling in a straight line and when the boat goes around a corner the straight fluting will make it function as a straight keel and it would have a tendency of wanting to go straight and resisting going around corners. Accordingly, this design would have similar fouling problems as described in regard to Swanningson. Further, Lucas describes an outer surface that has a plurality of indentation and ridges. It is submitted that this is quite different from a surface that has a plurality of concave facets.

Accordingly, it is respectfully submitted that Lucas is not generally egg shaped. Further it is submitted that it does not have an outer surface that is faceted with a plurality of facets, each facet being concave. Therefore it is submitted that Lucas does not have all of the features as claimed in amended claim 1 and therefore claim 1 and all claims dependent thereon are patentable over it.

In regard to Angwin it is clear that the object of this downrigger weight is to provide a

device that releases scent through a wick system. Further, the document only provides a general outline of the actual shape of the weight. One example is generally pear shaped while the other example is generally fish shaped. Accordingly, it would be reasonable to assume that previous fish shapes would be used rather than the shape presented herein by the Applicant. Further, there is no reference to a plurality of facets with concave surfaces. Accordingly, without information to the contrary it is reasonable to assume that this weight would have similar tracking problems as described above.

Accordingly, it is respectfully submitted that there is no evidence to suggest that Angwin is generally egg shaped. Further it is submitted that it does not have an outer surface that is faceted with a plurality of facets, each facet being concave. Therefore it is submitted that Angwin does not have all of the features as claimed in amended claim 1 and therefore claim 1 and all claims dependent thereon are patentable over it.

Further, it is respectfully submitted that there is nothing in Angwin that would lead someone skilled in the art to combine Angwin with Hopkins. Hopkins is directed to a fishing lure that is a solid elongate slat-like bar having a bright surface with numerous small indentations. This lure is quite different from the cannonball of the present invention. Clearly the adding of facets will not enhance the ability of the Angwin device to release a scent. Further, it is submitted that there is nothing in Angwin that would suggest adding features from a fishing lure since the weight and the lure have very different purposes.

In regard to the other references cited by the Examiner it is respectfully submitted that none of these references show a generally egg shaped cannonball having an outer surface that is faceted with a plurality of facets, each facet being concave. Therefore it

is submitted that amended claim 1 and all claims dependent thereon are patentable over the cited references.

The non-elected claims 27 to 30 are being cancelled from the application. It is respectfully submitted that the Applicant retains the right to present these claims in a divisional application.

Applicant submits that the amendments to the application are to more clearly and succinctly recite and claim the present invention. It is respectfully submitted that no new matter has been added by these amendments and all the amendments are supported by the original specification as a whole.

It is respectfully submitted that the application is now in condition for allowance, which is requested.

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Respectfully submitted,

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